

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Thomas E. Perez, *Secretary*
of Labor, United States
Department of Labor

Plaintiff,

v.

Richard Huot, *an*
individual, also known as
Heng Richard Huot and as
Heng Huot, *and doing*
business as China Wok
Express *and doing business*
as Golden Wok Fried
Chicken,

Defendant.

CV 13-07487 RSWL (RZx)

**ORDER RE: PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT AGAINST
DEFENDANT [14]**

On February 26, 2014, Plaintiff Thomas E. Perez,
Secretary of Labor, United States Department of Labor
("Plaintiff") filed the present Motion for Default
Judgment against Defendant Richard Huot ("Defendant")

1 for violating Sections 6, 7, and 15(a)(2) of the Fair
2 Labor Standards Act of 1938 ("FLSA"), 29 U.S.C. §§ 206,
3 207, and 215(a)(2) [14]. This matter was taken under
4 submission on March 27, 2014 [18]. The Court, having
5 reviewed all papers submitted pertaining to this Motion
6 and having considered all arguments presented to the
7 Court, **NOW FINDS AND RULES AS FOLLOWS:**

8 Plaintiff's Motion for Default Judgment is **GRANTED**.

9 The Court finds that Plaintiff has satisfied all
10 procedural requirements necessary under Local Rule 55-1
11 for entry of default judgment. Specifically, the Court
12 finds that the Clerk entered default against Defendant
13 as to the First Amended Complaint ("FAC") on January
14 15, 2014 [12]; Defendant is not a minor, incompetent,
15 in the military, or otherwise exempted under the
16 Servicemembers Civil Relief Act (Garcia Decl. ¶¶ 10-
17 11); and Defendant was served notice of the Motion on
18 January 31, 2014 (Id. at ¶ 12). Furthermore, the Court
19 finds that the substantive factors set forth in Eitel
20 v. McCool, 782 F.2d 1470 (9th Cir. 1986) weigh in favor
21 of granting default judgment.

22 Regarding the amount of relief requested:

23 Plaintiff requests the following damages: (1)
24 \$172,264.50 in back wages and (2) \$172,264.50 in
25 liquidated damages. Plaintiff also requests injunctive
26 relief against Defendant to (1) enjoin and restrain him
27 from withholding all unpaid minimum wage and overtime
28 compensation due under the FLSA and (2) permanently

1 enjoin and restrain Defendant from violating the FLSA.

2 Defendant has violated 29 U.S.C. §§ 206, 207, and
3 215(a)(2) by failing to pay his employees the minimum
4 wage as prescribed by the FLSA and by failing to pay
5 his employees at a rate not less than one and one-half
6 times their regular pay rate for hours worked in excess
7 of forty hours in a workweek. As a result of his
8 violations of the monetary provisions of the FLSA,
9 Defendant owes unpaid minimum wage and overtime
10 compensation to the employees identified in Exhibit A
11 to the FAC. Therefore, Plaintiff's request for
12 \$172,264.50 in back wages is **GRANTED**.

13 Because Defendant violated 29 U.S.C. §§ 206 and
14 207, Defendant is liable for liquidated damages for an
15 amount equal to the unpaid minimum and unpaid overtime
16 wages. 29 U.S.C. § 216(b). Therefore, Plaintiff's
17 request for \$172,264.50 in liquidated damages is
18 **GRANTED**.

19 Lastly, pursuant to 29 U.S.C. § 217, Plaintiff's
20 request for injunctive relief against Defendant to (1)
21 enjoin and restrain him from withholding all unpaid
22 minimum wage and overtime compensation due under the

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1 FLSA and (2) permanently enjoin and restrain Defendant
2 from violating the FLSA is **GRANTED**.

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4 The Clerk to close this Action.

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6 **IT IS SO ORDERED.**

7 DATED: April 22, 2014

8 RONALD S.W. LEW

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HONORABLE RONALD S.W. LEW
Senior U.S. District Judge